

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-12396

John J. Connolly, Jr.

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/18/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 29, 2005.

Sarah A. Thornton, Clerk of Court

By: 
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/29/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12396-JLT**

Connolly v. USA
Assigned to: Judge Joseph L. Tauro
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 11/12/2004
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate
Sentence
Jurisdiction: U.S. Government
Defendant

Petitioner

John J. Connolly, Jr.

represented by **E. Peter Mullane**
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LEAD ATTORNEY
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V.

Respondent

USA

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William J. Nardini

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/12/2004	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) , filed by John J. Connolly Jr.(Nici, Richard) (Entered: 11/16/2004)
11/12/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Nici, Richard) (Entered: 11/16/2004)
11/17/2004	<u>2</u>	Judge Joseph L. Tauro : ORDER entered REFERRING CASE to Magistrate Judge Robert B. Collings Referred for: Report and Recommendations(Abaid, Kim) (Entered: 11/17/2004)
12/06/2004	<u>3</u>	MOTION to Stay 28 USC 2255 Proceedings In Light of Newly Discovered Evidence by John J. Connolly Jr.(Abaid, Kim) (Entered: 12/07/2004)
01/05/2005	<u>5</u>	Judge Robert B. Collings : ORDER entered granting <u>3</u> Motion to Stay, Etc. until April 29, 2005 for filing Amended Sec. 2255 Motion. (Dolan, Kathleen) (Entered: 01/06/2005)
01/06/2005	<u>4</u>	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Robert B. Collings Referred for: Report and Recommendation(Abaid, Kim) (Entered: 01/06/2005)
01/25/2005	<u>6</u>	MOTION to Appoint Counsel by John J. Connolly, Jr.(Abaid, Kim) (Entered: 01/27/2005)
01/27/2005	<u>7</u>	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Robert B. Collings Referred for: Appoint Counsel (Abaid, Kim) (Entered: 01/27/2005)
02/03/2005	<u>8</u>	Judge Robert B. Collings : ORDER entered denying without prejudice <u>6</u> Motion to Appoint Counsel. (Dolan, Kathleen) (Entered: 02/03/2005)
03/08/2005	<u>9</u>	MOTION to Amend <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by John J. Connolly, Jr.(Abaid, Kim) (Entered: 03/14/2005)
03/17/2005	<u>10</u>	MOTION for Clarification re <u>8</u> Order on Motion to Appoint Counsel by John J. Connolly, Jr.(Abaid, Kim) (Entered: 03/22/2005)
03/22/2005		Judge Robert B. Collings: ORDER entered granting in part and denying in part <u>10</u> Motion for Clarification and Reconsideration. The motion for

		clarification is allowed. New counsel has been appointed for the petitioner in Criminal No. 99-10428-JLT; copies of the Court's Orders effecting the appointment in that case shall be mailed to petitioner forthwith. The motion for reconsideration is denied. The Court shall not appoint counsel in the instant civil case brought pursuant to 28 U.S.C. Section 2255 until the petitioner demonstrates that there are issues which are properly brought in the Section 2255 case which cannot be raised in a motion for a new trial in Criminal No. 99-10428-JLT which may be filed within three years of the verdict. See Rule 33(b)(1), Fed. R. Crim. P. Petitioner should consult with his newly-appointed attorney in Criminal No. 99-10428-JLT and determine whether or not to file a motion for a new trial pursuant to Rule 33(a), Fed. R. Crim. P. (Entered: 03/22/2005)
04/06/2005	<u>11</u>	NOTICE of Appearance by E. Peter Mullane on behalf of John J. Connolly, Jr (Abaid, Kim) (Entered: 04/06/2005)
04/06/2005	<u>13</u>	NOTICE of Appearance by Edward J. Lonergan on behalf of John J. Connolly, Jr (Abaid, Kim) (Entered: 04/08/2005)
04/07/2005		Judge Robert B. Collings : ORDER entered granting <u>9</u> Motion to Amend his Original 28 USC Section 2255. The within pleading shall constitute as amendment to the Motion (#1). (Dolan, Kathleen) (Entered: 04/07/2005)
04/07/2005	<u>12</u>	Judge Robert B. Collings : ORDER entered. (Dolan, Kathleen) (Entered: 04/07/2005)
04/15/2005	<u>14</u>	MOTION for Extension of Time to MAY 16, 2005 to FILE RESPONSE by USA.(Durham, John) Additional attachment(s) added on 4/19/2005 (Abaid, Kim). (Entered: 04/15/2005)
04/28/2005		Judge Robert B. Collings: Electronic ORDER entered granting <u>14</u> Motion for Extension of Time. (Entered: 04/28/2005)
04/29/2005	<u>15</u>	MOTION to Amend <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by John J. Connolly, Jr.(Mullane, E. Peter) (Entered: 04/29/2005)
05/03/2005	<u>16</u>	Joint MOTION to Stay by John J. Connolly, Jr.(Mullane, E. Peter) (Entered: 05/03/2005)
05/05/2005		Judge Robert B. Collings: Electronic ORDER entered granting in part and denying in part <u>16</u> Joint Motion of the Petitioner and Respondent to Stay Proceedings on this 28 U.S.C. Sec. 2255 Petition. The joint motion to stay is granted with one exception; if counsel for the respondent opposes Petitioner's Motion Pursuant to Rule 15(a)and (c) of the Fed. R. Civ. P. for Leave to Amend and Supplement his Original Sec. 2255 Petition (#15, filed 4/27/2005), he shall file and serve an opposition on or before the close of business on Tuesday, May 17, 2005. (Entered: 05/05/2005)
05/16/2005	<u>17</u>	RESPONSE to Motion re <u>15</u> MOTION to Amend <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by USA. (Nardini, William) (Entered: 05/16/2005)

05/16/2005	18	NOTICE of Appearance by William J. Nardini on behalf of USA (Nardini, William) (Entered: 05/16/2005)
05/24/2005		Judge Robert B. Collings: Electronic ORDER entered granting <u>15</u> Motion to Amend. The merits of the claim added by the amendment will be considered when the stay previously entered has been lifted. (Entered: 05/24/2005)
05/24/2005		Judge Robert B. Collings: Electronic ORDER entered. The parties are ORDERED to file a pleading, either individually or jointly, when either or both parties wish the stay of this matter lifted. Until such a pleading is filed, the Court shall take no further action in the case. (Entered: 05/24/2005)
11/18/2005	19	NOTICE OF APPEAL by John J. Connolly, Jr. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/8/2005. (Mullane, E. Peter) (Entered: 11/18/2005)
11/18/2005		Filing fee: \$ 255.00, receipt number 68361 regarding <u>19</u> Notice of Appeal (Abaid, Kim) (Entered: 11/22/2005)
11/21/2005		Case no longer referred to Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 11/21/2005)